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Convention on the Rights of the Child

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Committee on the Rights of the Child
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Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Guinea under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Guinea to the list of issues*

[Date received: 15 June 2017]

* The present document is being issued without formal editing.

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1. **Please provide information on the progress made towards the establishment of a centralized system for the compilation of data within all the State party's agencies involved in child protection matters covered under the Optional Protocol.**

1. Steps have been taken to capitalize on the sectoral data stored in the National Statistics Institute with a view to informing projects and programmes for children:

- Intersectoral cooperation has been simplified;
- A facilitative child protection system has been established, thus helping to minimize risks through prevention, while encouraging the active involvement of child protection stakeholders from the community to the national level.

2. This standard system is the fruit of efforts to capitalize on and harmonize community potential and the work of partners in the area of protection. It is a valuable information tool for child protection stakeholders in the tasks of planning, decision-making and resource allocation in this sector.

3. It thus constitutes a means of social mobilization and advocacy for policymakers in their efforts to change behaviours and improve laws and regulations that provide safeguards for a healthy environment.

2. **Please provide information on the stage reached in the revision of the national child protection policy referred to in paragraph 79 of the State party's report (CRC/C/OPSC/GIN/1) and indicate the extent to which it includes the provisions of the Optional Protocol.**

4. In 2015, the Government of Guinea, through the Ministry of Social Affairs, the Advancement of Women and Children's Affairs, adopted a revised version of the 2007 national policy on preschool education and child protection entitled the National Policy on the Promotion and Protection of Children's Rights and Well-Being in Guinea. The new policy will be in place for a minimum of 10 years and is to be implemented through a series of three-year plans. The first three-year implementation plan was formulated in 2016 and covers the period 2017-2019. It focuses on strengthening the community-based child protection system and on developing intersectoral cooperation.

5. The policy will contribute to combating violations of children's rights and threats to their well-being using a comprehensive, holistic and systemic approach. With the active participation of families and communities, it will strengthen the coordination and complementarity of the actions taken by creating links between community and institutional protection mechanisms. It will continue to build on the Guinean Child Protection System and will focus on prevention, while continuing to provide support for children who are abused, mistreated, exploited, neglected or subjected to violence.

3. **Please describe the coordination among the Office for the Protection of Gender, Children and Morals, the Guinean Committee on the Protection of Children's Rights, the National Committee to Combat Trafficking in Persons and Children, the Intersectoral Committee on International Adoption and the Coalition of Non-Governmental Organizations to Combat Child Trafficking.**

6. In terms of intersectoral coordination, the Office for the Protection of Gender, Children and Morals is a member of:

- The Guinean Committee on the Protection of Children's Rights, in which it plays a major role;
- The National Committee to Combat Trafficking in Persons and Related Practices, in which it serves as rapporteur; and
- The Intersectoral Committee on International Adoption.

7. In practice, the Guinean Committee on the Protection of Children's Rights is the mechanism responsible for coordinating all efforts in favour of the protection of children's rights. As such, it facilitates cooperation among all these government bodies and within the various fields concerned.

8. The Coalition of Non-Governmental Organizations to Combat Child Trafficking/Convention on the Rights of the Child, as a civil society organization, works closely with all these government bodies to advocate improvement not only of the legal and institutional framework of the campaign against trafficking in children but also of the measures intended to assist victims of trafficking and punish perpetrators and accomplices. In addition, the Coalition is a member of the National Anti-Trafficking Office.

Please also indicate the measures taken to coordinate actions to prevent the trafficking of children for sexual exploitation at the national and international levels.

- Establishment in 2003 of the National Committee to Combat Trafficking in Persons by order of the Minister for Social Affairs, the Advancement of Women and Children's Affairs. On 17 February 2017, with the aim of carrying out an in-depth reform of this Committee, the President of the Republic issued a decree expanding its remit to include practices equated with trafficking in persons;
- Establishment throughout the national territory of prefectural child protection committees, local child protection committees and local children and family councils to promote the involvement and participation of communities in combating child trafficking;
- Implementation of joint patrols by the police and the gendarmerie along the borders and main roads between Guinea and its neighbouring countries;
- Updating of the mapping of child trafficking routes;
- Strengthening of partnerships between the various stakeholders (Governments, development partners, NGOs and the private sector) through the creation of synergies and the sharing of information;
- Participation of children in advocacy and awareness-raising activities in communities and at the national level;
- Establishment among the various stakeholders of a system to provide referrals and guidance to victims and perpetrators of trafficking in persons;
- Preparation of a standard operating procedures manual.

4. Please provide information on the measures taken to operationalize the Guinean Committee on the Protection of Children's Rights, including in the implementation of the Optional Protocol.

9. A decree on the restructuring of the Committee has been drafted and will soon be submitted to the President of the Republic for signature and publication. Similarly, Committee focal points have been appointed in the sectoral departments and the other member bodies. The Children's Parliament of Guinea has joined the Committee.

5. Please provide updated information on programmes to raise awareness of all the provisions of the Optional Protocol, whether implemented by the State party or by civil society organizations. Please also provide detailed information on the training given to the professionals responsible for implementing the Optional Protocol.

10. In 2015, under the United Nations Development Assistance Framework for 2013-2017, more than 537 communities took part in awareness-raising activities organized by local NGOs on the protection of women and children from exploitation, abuse, trafficking and violence, in keeping with the provisions of national and international legal instruments. As a result, 335 of the bodies participating in the protection system for the abandonment of harmful practices and 319 communities in the four natural regions have declared their commitment to abandoning female genital mutilation/cutting and early marriage. Consequently, more than 69,000 heads of family, key leaders and representatives of community-based associations who have been trained in such protection and in the related rights and risks are now in a position to better protect at least 250,000 vulnerable children.

11. As part of a project on the protection of unaccompanied child migrants in West Africa, the NGO Terre des hommes has conducted awareness-raising activities on

children's rights and protecting child migrants in several communities in the prefectures of Guékédou and Nzerékoré, as well as in Conakry.

12. Between 2013 and 2015, Save the Children International carried out awareness-raising activities for thousands of children and adults in the prefectures of Kindia, Mamou, Labé and Tougue, as part of its project to protect children subjected to various forms of exploitation, abuse and violence. For example, in 2015, the organization worked to raise awareness among 599 people from 25 villages on the border with Senegal about child trafficking, female genital mutilation and early marriage.

13. On 24 July 2016, the Minister for Social Affairs led the launch of a mobile unit to raise awareness of children's rights in communities along the border between Guinea and Senegal. Through radio broadcasts and visits to 20 villages, the mobile unit has helped to spread awareness to 10,900 persons — 8,300 adults (including 3,800 women) and 2,600 children (including 1,200 girls) — on the subjects of trafficking, abuse, the protection of children from female genital mutilation, forced and early marriage, violence, exploitation and migration at a young age.

14. As part of the response to the Ebola epidemic, several thousand people in the affected areas have been made aware of the risks of stigmatization, the repercussions on the well-being of children and children's needs for protection (e.g. family separation, psychosocial support). These awareness-raising efforts have been supplemented by campaigns to rally support for children and families affected by Ebola. Such campaigns have included radio announcements about children's rights and child protection.

15. Several groups of professionals working for and with children have received training on a number of issues relating to the Convention and its Optional Protocols.

16. In November 2016, a training course on children's rights was organized for 54 members of the police and the gendarmerie.

17. In October 2016, the National Committee to Combat Trafficking in Persons and Children, in partnership with the transport trade unions, organized awareness-raising sessions for road transport carriers on the topics of child trafficking and illegal migration. Several other training activities conducted for professionals in 2016 included training sessions on the following topics: female genital mutilation, for 50 journalists; strategies for a social norms-based approach to abandoning female genital mutilation, for 46 NGO workers; the use of a community picture box on female genital mutilation, for 50 NGO workers; and child trafficking between Guinea and Sierra Leone, for a group of 25 people.

18. In March 2016, the National Directorate for Children organized and, together with the NGO Mêmes Droits pour Tous, facilitated a workshop on the principles and provisions of the Convention on the Rights of the Child and the Optional Protocol for the benefit of 30 stakeholders responsible for children's issues, including participants from the Children's Parliament of Guinea, the sectoral departments and national and international NGOs.

6. Please provide information on the human, technical and financial resources allocated to the child protection system in Guinea and the criminal investigation police for the purpose of protecting children and dealing with violations of the Optional Protocol.

19. The amount of the State budget allocated to the children's sector increased from 270 million in 2010 to 3.75 billion in 2014. Until 2012, the State allocated only subsidies to this sector, thus leaving the bulk of the expenditure to be provided by its partners (e.g. United Nations Children's Fund (UNICEF), Plan International Guinea).

20. As a result of advocacy efforts, the State has undertaken such projects as:

- The establishment of the protection system;
- The construction of public preschools;
- The construction of a rehabilitation centre for street children.

21. On the basis of projections for 2015, 2016 and 2017, the State has committed to investing 7 billion Guinean francs (GF), or the equivalent of US$ 1 million.

22. Along these same lines, two of the eight regions have made efforts to include priority children's issues in the local development plans for their communes.

7. Please indicate whether, under the laws of the State party, the Optional Protocol may be considered to be a legal basis for extradition in respect of the offences defined in the Optional Protocol.

23. Part XVIII of the new Code of Criminal Procedure of 26 October 2016 covers mutual judicial assistance. According to article 795 of the Code, "in the absence of an international agreement stipulating otherwise, the conditions, procedure and effects of extradition shall be determined by the provisions of the present Code. These provisions shall also apply to matters not governed by international agreements." Since the foregoing provisions of the Code of Criminal Procedure are consistent with article 5 (2) of the Optional Protocol, the Republic of Guinea considers the Optional Protocol to be the legal basis for extradition in respect of all relevant criminal offences to which these conditions apply.

8. Please provide information on the measures taken by the State party to identify and protect children who are especially vulnerable and potentially at risk of falling victim to the offences referred to in the Optional Protocol. Please also specify how the minimum standards for the care of children in vulnerable situations have contributed to the implementation of these measures, and indicate the measures taken to extend psychosocial assistance and family and social reintegration services to child victims.

24. A social and economic development plan focusing particularly on rural areas has been developed, and context-specific minimum standards of care have been established. These standard tools provide stakeholders on the ground with a practical means of identifying children who are at risk or in a vulnerable situation. They summarize children's potential vulnerabilities, helping to guide identification efforts in the field and provide clear and comprehensive data on children being assisted at each geographical level of the system, particularly for local child protection committees. This, in turn, enables the collection and analysis of comprehensive and disaggregated data on children, making it easier to measure trends and plan programmes. Each record corresponds to an individual child, who is evaluated by an officer and graded with a "1" if the child is deemed to be vulnerable or with a "0" if he or she is not. The officer then assesses the impact and duration of the child's vulnerable situation and determines the predominant feature of his or her profile (that is, from among the child's various vulnerable situations, the situation that most endangers his or her physical, psychological or socio-emotional well-being). The child's case history is also drawn up and treated as the initial vulnerable situation that triggered the others.

25. A total of 120 social workers have been assigned to this area, and action has been taken to strengthen the capacities of social workers from civil society organizations in the areas of case management and the provision of psychosocial support.

9. With respect to paragraphs 14, 15, 17 and 32 of the State party's report, please provide information on the measures taken to ensure that all the offences defined in the Optional Protocol are covered under the criminal law of the State party, in accordance with articles 2 and 3 of the Optional Protocol.

26. On 26 October 2016, the new Criminal Code and Code of Criminal Procedure were promulgated following the reform of the security and judicial sectors, which the Guinean Government had begun implementing in 2010. These two Codes are fully in line with the provisions of the Optional Protocol.

27. The Criminal Code defines and establishes penalties in respect of the following acts:

- Procuring. This act is defined in articles 346 et seq. When it is committed against a minor, it constitutes a serious offence that is punishable by a prison term of 7 years and a fine of GF 15 million. Legal persons found guilty of this offence are liable, in addition to the fine, to such penalties as dissolution, a ban on engaging in one or more of their business or social-sector activities, placement under judicial

supervision, temporary or permanent closure, exclusion from public procurement tenders and confiscation of the proceeds of the crime.

- Child pornography. This act, which is defined in articles 873 et seq., constitutes a serious offence that is punishable by a prison term of 5 to 10 years and a fine of between GF 50 million and 100 million when it is committed via an electronic information or communications system.

28. An attempt to commit either of these offences carries the same penalty as that imposed for its commission.

29. In addition, articles 366 et seq. of the Children's Code of 19 August 2008 define the sale of children as a serious offence that is punishable by 5 to 10 years of rigorous imprisonment and a fine of between GF 250,000 and GF 1.5 million. The Children's Code is currently being revised in order to bring it more into line with the new Criminal Code and Code of Criminal Procedure.

10. Please describe the measures taken to protect the privacy of child victims and witnesses and of their parents, with a view to preventing, throughout the investigations and the legal process, the release of public information that could lead to their identification.

30. The new Code of Criminal Procedure of 26 October 2016 contains provisions that protect the privacy of minors (whether perpetrators or victims of criminal offences) at all stages of the judicial process. For example, article 305 (6) of the Code provides that judges may hold closed hearings if the accused is a minor or if the civil party to the suit so requests at the time of the hearing.

31. Article 399 (2) of the Code of Criminal Procedure provides that the presiding judge may order that the hearing or examination of the victim or the civil party, upon his or her request, be conducted by means of an audiovisual recording.

32. The provisions of articles 872 et seq. of the Code of Criminal Procedure allow for the use of telecommunications in the course of proceedings, provided that the confidentiality of the material transmitted can be guaranteed.

33. The Children's Code also sets forth measures to protect the privacy of children (whether they are victims of, or have some other involvement in, criminal acts) who are taking part in judicial proceedings.

11. Please provide information on the measures taken to combat impunity and to address judicial dysfunction and difficulties in holding sessions of the assize court in cases involving violations of the Optional Protocol. Please also indicate what action has been taken on the cases referred to the courts by the Office for the Protection of Gender, Children and Morals.

34. As part of the process to reform the judicial sector, the Government signed a decree on the implementation of the regulations specifically governing the judiciary, in addition to establishing the Supreme Council of Justice and the adoption of a law on the organization of the judiciary. The law provides for the abolition of the assize court, the establishment of two new courts of appeal, the granting of new powers to the courts of first instance in dealing with criminal matters and the conversion of magistrate's courts into courts of first instance.

35. The Supreme Council of Justice periodically hears complaints lodged against judges in the exercise of their functions. Over the course of 2015, the Council received 34 complaints, 15 of which were rejected and 16 of which resulted in judges being sanctioned for issuing judgments in exchange for a cash payment. The judges were sanctioned by the disciplinary board of the Supreme Council of Justice.

36. In 2016, the Council received 20 complaints, 9 of which resulted in disciplinary sanctions ranging from outright dismissal to demotion or disqualification from performing certain judicial functions. After receiving complaints from citizens and from the Minister of Justice, the Supreme Council of Justice examined the complaints and issued nine decisions,

including one dismissal, two demotions by four grades (a loss of benefits equivalent to 16 years of service), three demotions by three grades (equivalent to 12 years of seniority) and one demotion by four steps (equivalent to a retention of 2 years).

37. The cases brought by the Office for the Protection of Gender, Children and Morals are still being processed in the judicial system. In July 2015, only two perpetrators of child trafficking were convicted by the court of first instance in Labé.